

July 21, 1999

TOWN OF DAVIE
DEVELOPMENT SERVICES DEPARTMENT
PLANNING AND ZONING DIVISION
PLANNING REPORT

SUBJECT: Rezoning ZB 5-3-99

PETITIONER/OWNER: Miller, Legg & Associates, Inc., Petitioner / Jewish Federation of Broward County, Inc., Owner

ADDRESS/LOCATION: 5801 SW 82nd Avenue / Generally located on the west side of SW 82nd Avenue approximately 1/4 mile north of Stirling Road.

LAND USE PLAN/ZONING: Residential (3 du/ac) / A-1, Agricultural District

REQUEST: **From:** A-1, Agricultural District, Section 12-32 et. al.
 To: CF, Community Facilities District, Section 12-32 et. al.

EXHIBITS TO BE INCLUDED: Rezoning application, subject site map, planning report, and aerial.

ANALYSIS: The subject site is 9.7 acres in area and located on the west side of SW 82nd Avenue, approximately 650 feet north of Stirling Road. The site is vacant with the exception of an existing 750 square foot farm structure which will be demolished prior to development. The site is bound on the north and the west by the existing Jewish Community Center zoned CF, vacant property zoned A-1, across SW 82nd Avenue to the east, and a plant nursery use zoned A-1 to the south.

Review of a rezoning request should include consideration of the criteria listed in Section 12-307 of the Land Development Code which is attached hereto, and made a part hereof.

Policy 13-3 of the Comprehensive Plan states that the location of regional community facilities should be encouraged, as appropriate, in close proximity to primary transportation facilities and in areas where such uses are complimentary to surrounding existing and planned uses. Policy 17-1 and 17-3 provides that lands designated for non-residential uses shall be located in a manner which facilitates development but does not adversely impact existing and designated residential areas and that all development proposals shall be reviewed for compatibility with adjacent existing and planned uses.

The applicant proposes rezoning of the property to develop an elementary school under the provisions of the Community Facilities zoning district which is supported by the underlying Residential Land Use category. The development proposal is an expansion of the existing Jewish Community Center to the west which currently offers day care and private primary education. The existing classroom modulars on that site will be removed upon completion of the permanent school facilities on the subject site, should the rezoning be approved.

The applicant acknowledges that certain uses within the CF district may not be compatible at this location and has offered a voluntary deed restriction prohibiting use of the property for

government buildings, telecommunication towers, flood control facilities, and watchman's apartment. Given this, the proposed use is compatible with the existing community facility use to the north and west, existing and planned commercial uses to the east, and should not adversely affect the agricultural uses to the south.

Evaluation of a rezoning request also includes consideration of whether the proposed change will create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation.

Focus on secondary and collector roadways to limit impacts on internal residential roadways should be considered for these types of uses within or adjacent to residential areas. According to Broward County trip generation rates, the proposed elementary school, being approximately 53,000 square feet in area, will generate approximately 646 trips per day as compared to the anticipated 287 trips per day for residential development of the property at three dwelling units per acre. Although the applicant has not provided a traffic study, primary access to the subject site will be from SW 82nd Avenue, with most traffic entering from Stirling Road to the South. This represents a general professional planning judgment that can only be supported through such traffic study assigning vehicle trip ends. Abutting commercial properties to the east, often having access from University Drive, and residential uses to the north, which often have supplemental access from Pine Island Road, should be minimally affected by the proposed rezoning in the opinion of staff.

The proposed rezoning, given the voluntary stipulation, is compatible with existing and adjacent planned uses and consistent with Comprehensive Plan objectives relating to community facility citing.

RECOMMENDATION: The Planning and Zoning Department therefore recommends **APPROVAL** of the requested rezoning to CF, Community Facilities District, subject to the voluntary stipulation, with a finding that the request is consistent with Comprehensive Plan objectives and is in harmony with the general intent and purpose of the code.

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to recommend **APPROVAL** (4-1), John Pisula voted against, subject to the "voluntary stipulation" indicated in the letter dated July 6, 1999 from Howard J. Zimmerman, July 14, 1999.

Prepared by: _____

Reviewed by: _____

* **Please be advised, the petitioner has provided a revised "voluntary stipulation" letter, dated July 22, 1999, replacing the July 6, 1999 letter to include cemetery or mausoleum.**

ZIMMERMAN MANAGEMENT SERVICES, INC.



Received
Jul 23 1999

July 22, 1999

TOWN OF DAVIE
PLANNING & ZONING DEPARTMENT

VIA FAX

Town of Davie
Development Services
Planning and Zoning Division
6591 SW 45th Street
Davie, FL 33314

ATTENTION: Mr. Jason Eppy, Planner II

RE: Project - JCC Davie Campus
Location - Stirling & Pine Island

Dear Mr. Eppy:

This letter shall serve as a "voluntary stipulation" that the owner of the above-referenced property intends to provide a declaration of restrictions (deed restriction) for the following uses should the proposed rezoning be approved.

1. Flood Control
2. Governmental Building/Municipal Public Service Uses
3. Telecommunications Towers
4. Watchman's Apartment
5. Cemetery or mausoleum

The Declaration of Restrictions shall run with the land.

Very truly yours,


HOWARD J. ZIMMERMAN

HJZ:tz

9000 Sheridan Street, Suite 100 • Pembroke Pines, FL 33024
(954) 431 - 7111 - Phone • (954) 431 - 7690 - Fax • E-Mail zmsinc@msn.com

**TOWN OF DAVIE
CODE OF ORDINANCES
(EXCERPT)**

Section 12-307. Review for rezonings.

- (a) The proposed change is/is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;**
- (b) The proposed change would/would not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;**
- (c) Existing zoning district boundaries are/are not illogically drawn in relation to existing conditions on the property proposed for change;**
- (d) The proposed change will/will not adversely affect living conditions in the neighborhood;**
- (e) The proposed change will/will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;**
- (f) The proposed change will/will not adversely affect other property values;**
- (g) The proposed change will/will not be a deterrent to the improvement or development of other property in accord with existing regulations;**
- (h) The proposed change will/will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;**
- (i) There are/are not substantial reasons why the property cannot be used in accord with existing zoning.**
- (j) The proposed zoning designation is/is not the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.**

EXISTING ZONING: A-1
CODE SECTION:
PROPOSED ZONING: CF
CODE SECTION:
LAND USE DESIGNATION: Residential 1 du/ac
FOLIO NUMBER 504 33 01 0690

TOWN OF DAVIE USE ONLY
PETITION NO. 2B 53-99
FEE. \$ 1170.00
RECEIPT NO. 7582

TOWN OF DAVIE
REZONING APPLICATION

(NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)
Make Checks payable to Town of Davie

DATE FILED: PHONE: 954-436-7000

PETITIONER: Miller, Legg & Associates

MAILING ADDRESS: 1800 N. Douglas Road
Pembroke Pines, FL 33024

RELATIONSHIP TO PROPERTY: Agent

OWNER: Jewish Federation of Broward County, Inc.
c/o H.J. Zimmerman & Associates

MAILING ADDRESS: 9000 Sheridan Street
Pembroke Pines, FL 33024

ADDRESS OF PROPERTY: 5801 S.W. 82nd Avenue
Davie, FL

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement of amount of acreage involved MUST be submitted with application):

Tract 60 of "EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION" in Section 33, Township 50 South, Range 41 East
ACREAGE: 9.697 ACRES

REQUEST: Rezone 9.697 acres from A-1 to CF

REASON FOR REQUEST (attach additional sheet as necessary):

The owner intends to build a day school on this property. This property is bounded on the north and the west by an existing Jewish Community Center which is zoned Community Facility. The property to the south and east is zoned A-1. This rezoning application is consistent with the current land use designation of residential 1du/acres..

* * * PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN * * *

OFFICE USE ONLY

APPROVED AS TO FORM: 3/18/99 PUBLICATION DATE: 6/16/99

MEETING DATE: PLANNING AND ZONING BOARD: 6/23/99 TOWN COUNCIL: 7/21/99

NOTICES SENT: _____ REPLIES: FOR: _____ AGAINST: _____

UNDELIVERABLE: _____

Stuart A. Epstein
OWNER'S NAME(S)

Gail Spatz

OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

1700 N.W. 97 Avenue
ADDRESS

Plantation, Fl. 33322

CITY, STATE, ZIP

476-1287

PHONE

3830 North 31 Terr. 1800 N. Douglas Road

ADDRESS

Hollywood, Fl. 33021

Pembroke Pines, FL 33024
CITY, STATE, ZIP

954-436-7000

PHONE

Miller, Legg & Associates

PETITIONER'S NAME

PETITIONER'S SIGNATURE

The foregoing instrument was acknowledged before me
this 13th day of May, 1999, by
Stuart Epstein
Gail Spatz who is personally
known to me or who has produced

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Edna Cooper

Print: EDNA COOPER

My Commission Expires:

EDNA COOPER
Notary Public - State of Florida
My Commission Expires April 25, 2001
Commission # CC643617

The foregoing instrument was acknowledged before me
this 18 day of May, 1999, by
Gladys A. DiGirolamo who is personally
known to me or who has produced

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Suzanne J. Jackson

Print: SUZANNE J. JACKSON

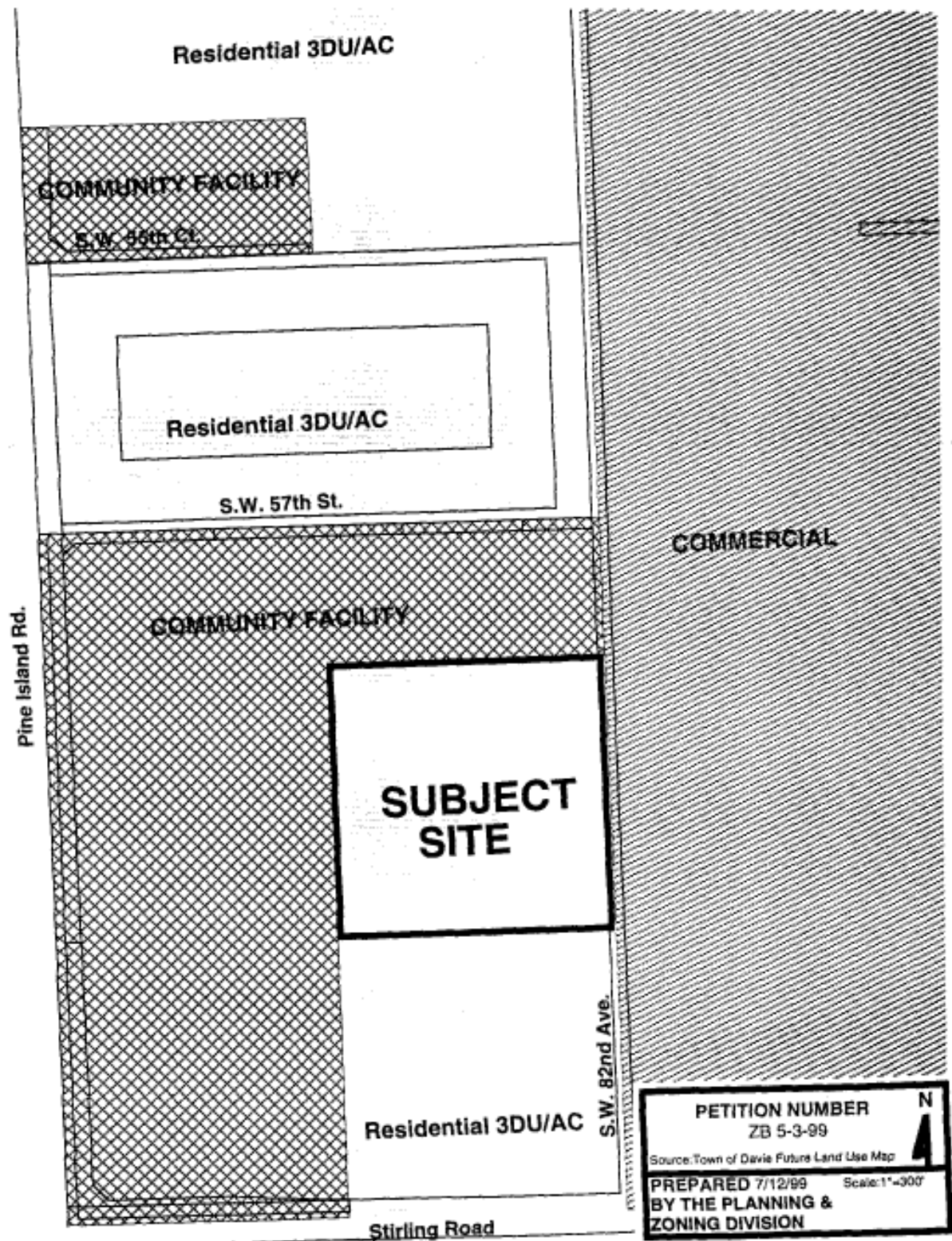
My Commission Expires:



Suzanne J. Jackson
MY COMMISSION # CC833750 EXPIRES
May 5, 2005
BONDED THRU TROY FAIR INSURANCE, INC.

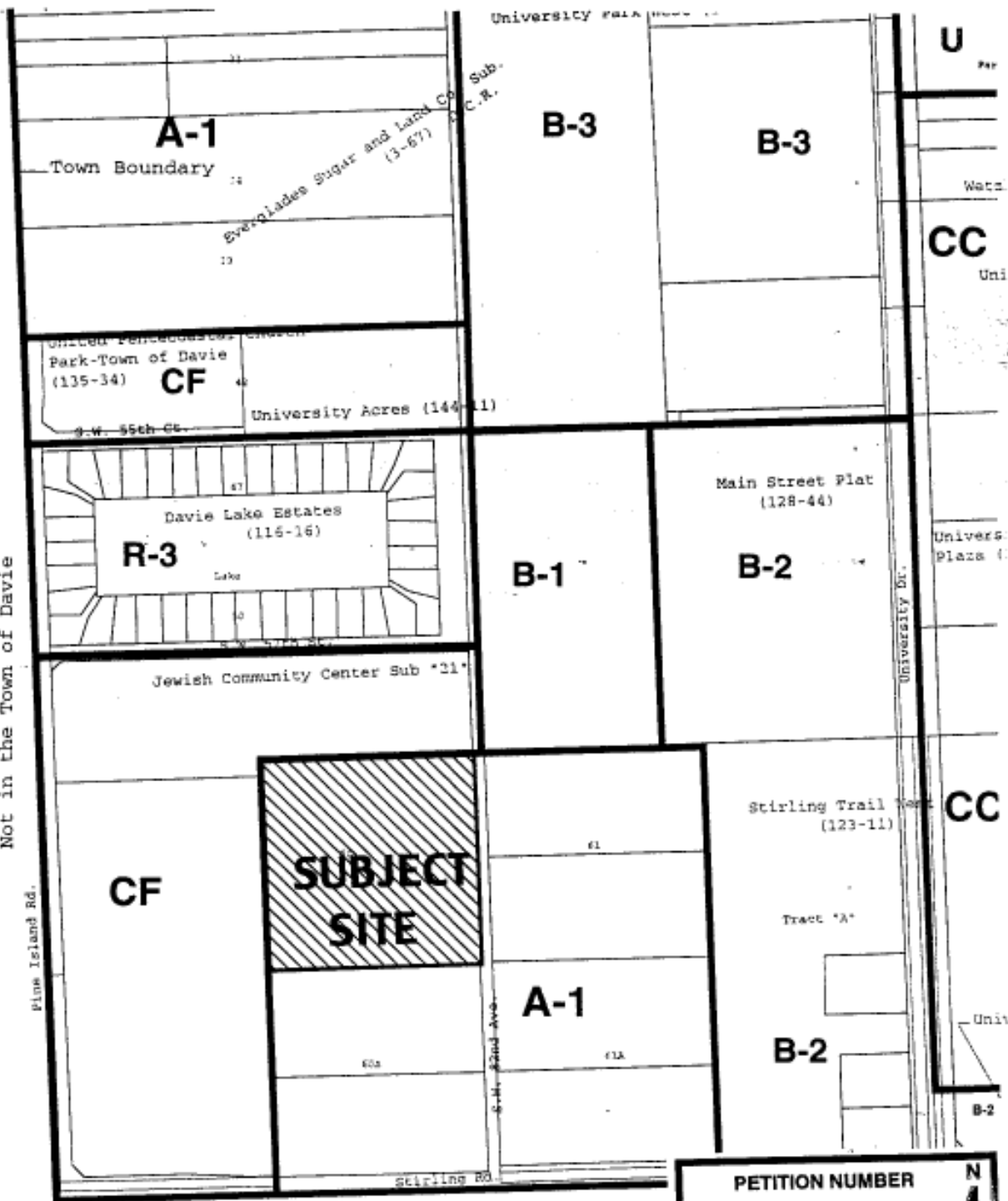
OFFICE USE ONLY

LEGAL DESCRIPTION
TRACT 60 OF EVERGLADES SLUGAD AND LANC COMPANY SUBDIVISION OF SECTION
99, TOWNSHIP 50 SOUTH, RANGE 41 EAST, ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 9, AT PAGE 67, OF THE PUBLIC RECORDS OF DADE
COUNTY, FLORIDA; LYING AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY,
FLORIDA.



Not in the Town of Davie

Pine Island Rd.



PETITION NUMBER

ZB 5-3-99

PREPARED 6/4/99
BY THE PLANNING &
ZONING DIVISION

Scale: 1" = 400'

